

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Enoch Sowah	Team: Squad #1	CCRB Case #: 202100495	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:45 PM	Location of Incident: Brook Avenue and East 136th Street	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 01/25/2021 10:31 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 01/25/2021 10:31 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Brianna Carlo	13238	960326	SRG 5
2. POM Derek Bruno	16445	952504	SRG 2
3. COD Terence Monahan	0000	876747	CD OFF
4. AC Kenneth Lehr	00000	891719	PBBX

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b)	
B. An officer	Force: An officer used physical force against § 87(2)(b)	
C. An officer	Force: An officer tightly handcuffed § 87(2)(b)	

Case Summary

On January 25, 2021, § 87(2)(b) called the CCRB and filed this complaint on behalf of § 87(2)(b). § 87(2)(b) did not witness this incident.

On June 4, 2020, at approximately 7:45 p.m., § 87(2)(b) and approximately 200+ individuals participated in a Black Lives Matter protest march in the Bronx. At some point, in the vicinity of East 136th Street and Brook Avenue in the Bronx, the protestors were surrounded by several NYPD officers, who began making arrests. An officer pulled § 87(2)(b) to the ground, while another hit her face with his foot (**Allegations A and B: Force: § 87(2)(g)**). An officer tightly handcuffed § 87(2)(b) (**Allegation C: Force: § 87(2)(g)**).

§ 87(2)(b) received a summons as a result of this incident, but it was ultimately dismissed (Board Review 01).

Forty-four (44) cellphone videos, twenty-four (24) commercial surveillance camera videos, twenty-four (24) TARU videos, and over one hundred (100+) police body worn camera (BWC) videos, were received for this incident (Board Review 3 – Board Review 11).

This case involves allegations of kettling and other concerted enforcement actions performed under the command and supervision of the then NYPD Chief of Department (COD) Terrance Monahan and Assistant Chief (AC) Kenneth Lehr. These investigations are being addressed in CCRB case 202006855.

Pleading Language for all allegations § 87(2)(g)

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C) Force: An officer tightly handcuffed § 87(2)(b)

Known facts and general descriptions

§ 87(2)(b) (Board Review 12) and her friend, § 87(2)(b), participated in a Black Lives Matter protest in the Bronx. § 87(2)(b) and § 87(2)(b), who was dressed in a black hoodie, dark jeans, and sneakers, joined the protest at approximately 7 p.m., in the vicinity of East 136th Street. There were over 200 people marching in the street. There was also a large group of police officers that appeared to follow the protestors. Some of the officers, none of whom § 87(2)(b) could describe, were dressed in uniform and riot gear. At some point, the number of officers increased as the protestors marched eastbound on East 136th Street, and headed towards Brook Avenue. Some of the officers, the majority of whom appeared to be on bikes, appeared to have formed a line at the intersection of East 136th Street and Brook Avenue. § 87(2)(b), who was somewhere in the middle of the protest, turned and saw several officers on bikes and riot gear, approaching the protestors from behind. There were also several officers on the sidewalks. The officers appeared to have surrounded the protestors, and thus prevented them from continuing their march. The protestors yelled and asked the officers to let them leave, but they were ignored. Approximately 20 to 30 minutes later, an automated curfew message played on the loudspeaker, at which point officers approached from all directions and began making arrests. § 87(2)(b) did not recall hearing anyone give an order to make arrests. There was some commotion between officers and protestors during the arrests, but § 87(2)(b) could not describe exactly what happened, except that the officers struggled and tussled with protestors. § 87(2)(b) and § 87(2)(b) decided to move away from the commotion, and headed towards the north sidewalk on East 136th Street. An officer grabbed § 87(2)(b)'s right bicep from behind, and pulled § 87(2)(b) to the ground. § 87(2)(b) fell and landed on her left side. The officer, who § 87(2)(b) described as a Hispanic man in his late 30s or mid-40s, 6'0" tall, muscular build, with short hair or bald, and dressed in turtlelike riot gear, turned § 87(2)(b) so that she was lying on her stomach, brought her hands behind her back, and placed her wrists in plastic cuffs. § 87(2)(b) immediately felt an excruciating pain over her wrist as soon as the cuffs were applied. Another officer, who § 87(2)(b) only described as a white man in

his late 40s or early 50s, approached the vicinity where § 87(2)(b) was being handcuffed, and hit § 87(2)(b)'s jaw on the left side with his foot. § 87(2)(b) denied that the officer kicked her in the jaw but said she did not believe the officer's actions were accidental because there was no reason for the officer to have made physical contact with her. § 87(2)(b) acknowledged that the officer who hit her jaw did not make any other physical contact with her, nor did he assist in placing her in cuffs. The officer who pulled § 87(2)(b) to the ground and handcuffed her, picked § 87(2)(b) up from the ground, and escorted her to a section of the street, where a large number of protestors, who had also been arrested, were being held. § 87(2)(b) informed the officer that the handcuffs were too tight and that she was in pain, but the officer told § 87(2)(b) to "Deal with it," and sat her on the ground. § 87(2)(b) told some other officers, none of whom she could describe, that her handcuffs were too tight, but the officers, who were either moving around or standing by the arrested protestors, ignored her. At some point, a protestor who was sitting next to § 87(2)(b) informed her that her hands were turning blue. § 87(2)(b) did not see this, but said she felt her hands swelling and about to "fall off." A group of protestors began to yell, "She can't feel her hands." Approximately 10 minutes later, an officer, who § 87(2)(b) could not describe, stood § 87(2)(b) up, cut off § 87(2)(b)'s handcuffs, and applied new ones. The officer then escorted § 87(2)(b) to a waiting Corrections bus, which transported § 87(2)(b) and some other protestors to Brooklyn Central Booking. § 87(2)(b) met PO Brianna Carlo at Central Booking, who ultimately issued § 87(2)(b) a summons for violating the citywide curfew. § 87(2)(b) acknowledged that she did not see PO Carlo at the scene of the protest, and said her first encounter with PO Carlo was at Brooklyn Central Booking. § 87(2)(b) suffered severe swelling and numbness to her wrists as a result of the tight handcuffs, and subsequently sought medical attention at the § 87(2)(b), where she was diagnosed with nerve damage to her wrists.

§ 87(2)(b) (Board Review 13) corroborated § 87(2)(b)'s account in that she was brought to the ground and handcuffed, but did not recall seeing any officer hit § 87(2)(b) in the face with their foot. § 87(2)(b) also said he observed § 87(2)(b)'s hand turning blue, and that he attempted to draw the attention of some officers to § 87(2)(b)'s tight handcuffs, but was ignored. § 87(2)(b), however, could not describe any of the officers on scene, could not describe the officers who pulled § 87(2)(b) to the ground and handcuffed her.

§ 87(2)(b)'s medical records revealed that she reported to the hospital on § 87(2)(b), and complained of severe pain to her jaw, which she said was as a result of being thrown to the ground and kicked in the face. § 87(2)(b) also complained of numbness to her right thumb, which she said was as a result of being restrained in tight handcuffs. A physical examination and a computed tomography (CT) scan performed on § 87(2)(b) revealed no facial bone fractures. § 87(2)(b) was prescribed ibuprofen for the jaw pain, and informed that the numbness to her hand would "get better with time" (Board Review 14).

BWC and other video

None of the cellphone, surveillance, TARU, and BWC videos depicted any of the allegations in this case (Board Review 03- Board Review 11). PO Derek Bruno's BWC (Board Review 08), however, captures portions of this incident. The footage shows PO Bruno, assigned to Strategic Response Group (SRG) 2, standing behind a group of protestors, who are yelling, "Fuck the police," "No Justice, No Peace," and "Let us go." The camera is slightly tilted upward, and thus does not depict clear images of officers and protestors in the frame. At 11:44 of the video player, a group of officers, wearing what appear to be cyclist helmets, appear to be standing in front of the protestors. There also appear to be some protestors behind PO Bruno. At 12:40, there appears to be some pushing in the crowd. It is unclear from the footage what causes the pushing. At 12:46, PO Bruno and some other officers yell and instruct the protestors to move back. Some of the protestors appear to have hands raised in the air. At 13:00, a protestor, who is not depicted, asks PO Bruno if he could get out. PO Bruno replies, "no." At 13:35, the pushing continues. At 15:17, an officer, who is not depicted, says, "Start pulling them out." At 17:34, an officer appears to say, "Okay, one

at a time, put your hands behind your back.” Protestors begin moving out of the crowd. It appears the protestors exiting are being zip tied, but none are clearly depicted. At 22:00, PO Bruno and other officers, some of whom are dressed in uniformed white shirts, but are not clearly depicted, appear to be in the street. At 22:33, PO Bruno appears to walk towards the southeast corner of East 136th Street and Brook Avenue. A large group of officers from SRG appear to be walking in the street, some of whom appear to be escorting protestors away. At 25:20, there appear to be a crowd of protestors sitting in the street. It is dark outside and the position of the camera, which is slightly tilted upwards, makes it difficult to identify anyone. At 26:21, one of the protestors appears to say, “Can someone please help her? She can’t feel her hands,” while another protestor repeatedly yells, “§ 87(2)(b).” At 26:39, another person says, “She is losing circulation to her hands,” and “She can’t feel her hands. Please help her.” At 27:20, a protestor yells, “She is hurting. Help her.” At 27:39, another person yells, “They are fucking turning blue,” and “they are too tight.” At 27:46, what appears to be a crowd of protestors begin to repeatedly chant, “She can’t feel her hands.” None of the protestors yelling and requesting help for the individual, identified via investigation as § 87(2)(b), are depicted in the footage, and neither is § 87(2)(b). At 28:00, a protestor, who is not depicted in the footage, appears to say to PO Bruno, “Help her.” PO Bruno replies, “I don’t see anything.” It is unclear from the footage where PO Bruno is standing in relation to § 87(2)(b). At 28:30, The protestors continue to yell and scream for help for § 87(2)(b). At 28:41, someone yells, “§ 87(2)(b), I see you. You are stronger and smarter than all of them.” PO Bruno remains standing at the corner of East 136th Street and Brook Avenue. At 32:33 PO Bruno walks away after another officer approaches him, and says he is looking for his bike bag. The video ends 34:08.

NYPD documents reviewed

The above videos together with the 40th Precinct summons log (Board Review 15), and the Mass Arrest Processing Log (Board Review 16) establishes that there were hundreds of officers from multiple commands, including but not limited to SRG, Disorder Control Unit (DCU), Patrol Borough Bronx (PBBX), 40th Precinct, and Police Service Area (PSA) 7, on scene, but none of the Roll Calls and Detailed Rosters from these commands list any specific assignments relating to the incident location or the protest in the Bronx (Board Review 17 – Board Review 24). Additionally, there was no Threat Resistance and Injury report prepared for § 87(2)(b) (Board Review 25). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Concurrent Investigations

There are no concurrent investigations into the incident involving § 87(2)(b), but there are approximately twenty CCRB investigations into the protest at the incident location. Additionally, multiple Non-Governmental Organizations (NGOs), along with the NYC Department of Investigations (DOI) and the New York State Office of the Attorney General (OAG) have released public reports analyzing the NYPD’s response to the protest at the incident location.

Ranking Officers

As discussed in detail in CCRB case #202006855, then NYPD COD Terrance Monahan and AC Kenneth Lehr were on scene for this incident, and were by their own accounts, the highest-ranking NYPD officers on scene. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Officers Interviewed

Police Officers Derek Bruno and Brianna Carlo of SRG 2 and SRG 5, respectively, were

interviewed in relation to this incident (Board Review 26 – Board Review 27). Both officers said that they and their respective SRG units, were assigned to the location in regard to a protest. PO Bruno (Board Review 26) and PO Carlo (Board Review 20), however, did not recall what information was relayed to them about the protest, but said they appeared to have been assigned to the location in regard to the Citywide curfew. They also did not recall receiving any instructions about surrounding the protestors and preventing them from leaving. PO Carlo did not recall how she arrived at the location, whereas PO Bruno, who was assigned to the SRG bike unit, arrived on his bicycle. There were hundreds of protestors and officers from multiple commands at the location when both PO Carlo and PO Bruno arrived. PO Bruno and some other officers from the bike unit, none of whose names he recalled, formed a line either in front or behind a group of protestors. PO Bruno did not recall why the officers formed a line, but said they might have been instructed to do so. PO Bruno, however, did not recall who instructed them to form a line, nor did he recall the names of any supervisors that were on scene. PO Bruno did not recall if the protestors were surrounded, nor did he recall the exact time he arrived at the location, but said an automated curfew message played on a loudspeaker at about the time the officers formed the line. At some point, PO Bruno and the other bike officers moved to the side while other officers approached and began arresting protestors for violating the citywide curfew. PO Bruno did not participate in the arrests, and said his primary responsibility was to provide security for the officers making the arrests. He did not recall observing any officer pull a female protestor to the ground, nor did he observe any officer kick a protestor in the face. He also did not recall, nor could he describe any of the officers who were handcuffing the protestors. PO Bruno did not recall observing how officers handcuffed the protestors, did not recognize § 87(2)(b) when shown her photo, nor did he recall ever interacting with her at the location. PO Bruno and some other officers, none of which he could describe, were later assigned to watch over a group of protestors that had been arrested, and were waiting to be transported to Central Booking, but he did not recall anything transpiring during this period. PO Bruno reviewed his BWC, but said he had no independent recollection regarding any protestor complaining about her handcuffs being too tight, nor did he recall hearing protestors yelling and chanting that an arrested protestor's hands were turning blue and could not feel them. PO Bruno did not recall if he could see who the protestors were referring to, nor did he recall if he was in a position to assist the said protestor, identified via investigation as § 87(2)(b), especially given that he was assigned to stand and watch over the group, and might have been holding another arrested protestor at the time. He also did not see nor know the officer who handcuffed § 87(2)(b), nor did he know if her handcuffs were removed or loosened.

PO Carlo did not recall anything she did when she arrived on scene, except that she remained on the sidewalk, while other officers made arrests. PO Carlo denied participating in any arrests, nor did she recall receiving any instructions while on scene. She did not observe the arrest of § 87(2)(b), nor did she observe any civilian being pulled to the ground or kicked in the face. At some point, a supervisor, who PO Carlo could not describe, called PO Carlo over, and instructed PO Carlo to take the arrest of § 87(2)(b), who was being escorted to a Corrections van. PO Carlo did not know why she was assigned § 87(2)(b)'s arrest, but said other officers on scene were also randomly assigned arrests. PO Carlo approached § 87(2)(b) while her photograph was being taken and being placed in a bus. PO Carlo did not know which officer took the photograph of § 87(2)(b), and said she did not observe any injuries on § 87(2)(b)'s face, nor did she recall seeing § 87(2)(b)'s hands because they were behind her back. She, however, did not recall hearing § 87(2)(b) complaining of her handcuffs too tight. PO Carlo met § 87(2)(b) at Brooklyn Central Booking, where she processed § 87(2)(b)'s arrest, and issued her a summons for violating the citywide curfew.

Allegation Recitation and Disposition

Allegation (A) Force: An officer used physical force against § 87(2)(b)

Allegation (B) Force: An officer used physical force against § 87(2)(b)

Allegation (C) Force: An officer tightly handcuffed § 87(2)(b)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 28).

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b), through her attorney, § 87(2)(b), filed a claim with the New York City Comptroller's Office seeking compensation for false imprisonment, unreasonable and excessive use of force by NYPD officers, and emotional distress (Board Review 29).
- According to the Office of Court Administration (OCA), § 87(2)(b) does not have any history of convictions in NYC (Board Review 30).

Squad: 1

Investigator: _____ Enoch Sowah _____ Inv. Sowah _____ 09/20/2021 _____
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda _____ 9.20.21
Signature Print Title & Name Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____